97TH CONGRESS 2d Session | SENATE | EXECUTIVE REPT. No. 97-56

NOMINATIONS OF JOAN D. AIKENS, LEE ANN ELLIOTT, AND DANNY LEE McDONALD TO BE MEMBERS OF THE FEDERAL ELECTION COMMISSION

JULY 1 (legislative day, JUNE 8), 1982.—Ordered to be printed

Mr. MATHIAS, from the Committee on Rules and Administration, submitted the following

REPORT

[To accompany the nominations]

The Committee on Rules and Administration, to which were referred the following nominations:

Joan D. Aikens, of Pennsylvania, to be a Member of the Federal Election Commission for the remainder of the term expiring April 30, 1983, vice Vernon W. Thomson, to which office she was appointed during the last recess of the Senate;

Lee Ann Elliott, of Illinois, to be a Member of the Federal Election Commission for the term expiring April 30, 1987, vice Joan D. Aikens, term expired, to which office she was appointed during the last recess of the Senate; and

Danny Lee McDonald, of Oklahoma, to be a Member of the Federal Election Commission for a term expiring April 30, 1987, vice Robert O. Tiernan, term expired, to which office he was appointed during the last recess of the Senate;

having considered the same, reports favorably thereon and recommends that the nominations be confirmed.

APPLICABLE STATUTE

Section 437c(a) of Title 2 of the United States Code, which relates to the appointment of members to the Federal Election Commission, provides:

§ 437c. FEDERAL ELECTION COMMISSION

(a)(1) There is established a commission to be known as the Federal Election Commission. The Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives, ex officio and without the right to vote, and six members appointed by the President of the United States, by and with the advice and consent of the

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Senate. No more than 3 members of the Commission appointed under this paragraph may be affiliated with the same political party.

(2) (A) Members of the Commission shall serve for terms of 6 years, except that of the members first appointed—

(i) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1977;

(ii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1979; and

(iii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1981.

(B) A member of the Commission may serve on the Commission after the expiration of his or her term until his or her successor has taken office as a member of the Commission.

(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he or she succeeds.

(D) Any vacancy occurring in the membership of the Commission shall be filled in the same manner as in the case of the original appointment.

(3) Members shall be chosen on the basis of their experience, integrity, impartiality, and good judgment and members (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees in the executive, legislative, or judicial branch of the Federal Government. Such members of the Commission shall not engage in any other business, vocation, or employment. Any individual who is engaging in any other business, vocation, or employment at the time of his or her appointment to the Commission shall terminate or liquidate such activity no later than 90 days after such appointment.

(4) Members of the Commission (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall receive compensation equivalent to the compensation paid at level IV of the Executive Schedule (5 U.S.C. 5315).

(5) The Commission shall elect a chairman and a vice chairman from among its members (other than the Secretary of the Senate and the Clerk of the House of Representatives) for a term of one year. A member may serve as chairman only once during any term of office to which such member is appointed. The chairman and the vice chairman shall not be affiliated with the same political party. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of vacancy in such office.

COMMITTEE CONSIDERATION

On June 10, 1982, the Committee on Rules and Administration held a hearing on the nominations of Joan D. Aikens, Lee Ann Elliott, and Danny Lee McDonald. Their nominations, submitted initially by President Reagan in November and December 1981, were resubmitted on January 26, 1982. All three nominees are currently serving on the Federal Election Commission as a result of recess appointments made by the President on December 17, 1981.

The responses of the nominees to the Committee's questionnaire, submitted in advance of the hearing, are included in this report. The Committee's review of the financial and ethical backgrounds of the nominees revealed no impediments to their service on the Commission.

In their appearance before the Committee on June 10, the nominees discussed their views on the federal campaign finance laws with Members of the Committee. Each nominee expressed a commitment to the goals of the Federal Election Campaign Act and acknowledged the importance of fairly administering the campaign finance laws.

Senators Heinz and Specter presented Joan D. Aikens and commended her for her continuing excellent performance on the Federal Election Commission and for her previous work on behalf of the Republican Party in Pennsylvania.

Lee Ann Elliott was introduced and commended by Senators Percy and Dixon. The Illinois Senators commented on her dedication to the strengthening of the political process and recognized the civic services and campaign activities she had engaged in in Illinois.

Danny Lee McDonald, an Oklahoma Democrat, was commended by Senators Boren and Nickles for his achievements in Oklahoma state positions which earned him the respect of both Democrats and Republicans in Oklahoma.

On June 30 the Committee met and discussed the nominations. On July 1 the Committee unanimously agreed to favorably report the nominations of Joan D. Aikens, Lee Ann Elliott and Danny Lee McDonald.

OUTLINE OF BIOGRAPHICAL INFORMATION OF COMMISSIONER AIKENS

Commissioner Aikens is one of the original Republican members of the Federal Election Commission. She was nominated in 1975 by Senator Hugh Scott, then Republican leader. When the U.S. Supreme Court struck down in *Buckley* v. *Valeo* the provisions of the Federal Election Campaign Act which permitted the Senate majority and minority leaders to each nominate a member of the Commission, Mrs. Aikens was renominated by President Ford and confirmed by the Senate for a term expiring April 30, 1981. The Committee held no hearings on Commissioner Aikens and the other four Commissioners renominated by President Ford. They were confirmed by the Senate on May 18, 1976.

Mrs. Aikens' six year term on the Commission expired on April 30, 1981. As provided by statute, she continued to serve pending the seating of a successor. On November 24, 1981, Commissioner Aikens was renominated by President Reagan to serve out the remainder of the term expiring April 30, 1983, formerly held by Max Friedersdorf, who has resigned. She was named to the seat as a recess appointee on December 17, 1981. Her nomination was resubmitted by the President on January 26, 1982.

Mrs. Aikens was born in Lansdowne, Pennsylvania, and is a graduate of Ursinus College in Collegeville, Pennsylvania. Prior to serving on the Commission, she was active in Republican politics in the State of Pennsylvania. At the time of her nomination in 1975, she was vice-president and account executive of a public relations firm in Valley Forge, Pennsylvania.

OUTLINE OF INFORMATION REQUESTED OF NOMINEE BY THE COMMITTEE

A. Biographical

1. Name.—Joan Deacon Aikens.

2. Address.—1435 Fourth Street S.W., Apartment B–305, Washington, D.C. 20024.

3. Date and place of birth.—May 1, 1928, Lansdowne, Pennsylvania.

4. Marital status.—Divorced.

5. Names and ages of children.—Donald R. Aikens, Jr., Age: 27 years.

6. Education.—B.A. (1950) Ursinus College, Collegeville, Pennsylvania.

7. Employment record.—1975 to present: Commissioner, Federal Election Commission, Washington, D.C. 20463; 1974–1975: Vice-President/Account Executive, Lew Hodges/Communications, Inc., Valley Forge, Pennsylvania; 1971–1974; Retail Sales, Park Avenue Shop, Swathmore, Pennsylvania; 1950–1971: Homemaker.

8. Government experience.—April 11, 1975 to Present: Commissioner, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

9. Memberships.—Executive Women in Government—Member; Medical College of Pennsylvania—Member, Executive Board of Directors.

10. Political Affiliation and Activities: Republican.—

Pennsylvania Council of Republican Women: President, 1972–1974; Vice President; Political Activities Chairman (2 years); Convention Chairman (3 years); Legislative Committee (5 years); Nominating Committee; Campaign Committee.

National Federation of Republican Women: Board of Directors, 1972–1975.

Republican National Convention, 1972: Alternate-at-large.

Republican National Convention, 1968: Hospitality Chairman, Pennsylvania Delegation.

Republican National Committee: Chairman, Pennsylvania Delegation to the Women's Division, Washington Conference (1966).

Pennsylvania Republican State Committee: Member, Executive Committee 1972–1974.

Delaware County (Pennsylvania) Republican Committee: Member 1968–1974.

Precinct Committeewoman, Swarthmore, Pennsylvania: Five (5) terms.

Swarthmore Council of Republican Women: President and Political Activities Chairman.

Swarthmore Republican Headquarters: Chairman: Citizens for Nixon-Lodge; Citizens for Goldwater-Miller; and Scranton for Governor.

11. Honors and Awards.—Honorary Doctor of Laws (1979)—Ursinus College, Collegeville, Pennsylvania.

12. Published writings.—None.

13. Speeches.—"Working With the Federal Election Commission," Vital Speeches of the Day, Vol. XLVII, No. 9, February 15, 1981, p. 275.

14. Qualifications.—Seven (7) years in position to which I am being nominated.

B. Future employment relationships

Question 1. Will you sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate?

Answer. Not applicable. I am being nominated to position in which I presently serve. I have no other business associations.

Question 2. Do you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

Answer. No.

Question 3. Has anybody made a commitment to employ your services in any capacity after you leave government service?

Answer. No.

Question 4. If confirmed, will you serve your full term of office?

Answer. Yes.

Question 5. If confirmed, will you be engaged in any business, vocation, employment, or outside activities other than related to your duties?

Answer. No.

C. Potential conflicts of interest

Question 1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

Answer. Not applicable. I have none.

Question 2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

Answer. None.

Question 3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 (ten) years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

Answer. None.

Question 4. Describe any activity during the past 10 (ten) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation, or affecting the administration and execution of law or public policy.

Answer. None.

Question 5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

Answer. Not applicable.

D. Testifying before Congress

Question 1. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Answer. Yes.

Question 2. Are you willing to provide such information as is requested by such committee?

Answer. Yes.

OUTLINE OF BIOGRAPHICAL INFORMATION OF LEE ANN ELLIOTT

Lee Ann Elliott was born in St. Louis, Missouri. She received a B.A. in economics and political science at the University of Illinois. She also became a certified association executive under the Northwestern University program for Medical Association Management Executives.

From 1951 until 1979 she held positions with the American Medical Association, serving for 17 of those years as Associate Executive Director of the American Medical Political Action Committee.

Immediately prior to her appointment to the Commission, Mrs. Elliott was a political consultant and vice-president of Bishop, Bryant & Associates. She has been active in Republican organizations and campaigns in Illinois. Mrs. Elliott has written several articles on PACS and has spoken frequently on campaign management and FECA compliance procedures and PAC management.

OUTLINE OF INFORMATION REQUESTED OF NOMINEE BY THE COMMITTEE

A. Biographical

1. Name: Lee Ann Elliott.

2. Address: 7425 Lamon, Skokie, Illinois 60077; 2842 S. Columbus Street, Arlington, Virginia 22206.

3. Date and Place of Birth: June 26, 1927, St. Louis, Missouri.

4. Marital Status: Married to William Jerome Elliott, 1956.

5. Names and Ages of Children: William Jay Elliott, born 1961 (20).

6. Education: University of Illinois, B.A. Economics, Political Science and Mathematics; Northwestern University, Medical Association Management Executives Program; Certified Association Executive.

7. Employment Record: 1980 to present: Self-employed political consultant; 1979 to 1980: Vice President, Bishop, Bryant & Associates; 1962 to 1979: Associate Executive Director, American Medical Political Action Committee; 1951 to 1962: Law Division, American Medical Association; 1949 to 1951: Economic Research Department, Swift & Company.

8. Government experience.—None.

9. Memberships.—American Society of Association Executives, Government Affairs Committee; American Association of Medical Society Executives; American Association of Political Consultants; Board of Directors; Academy of Political Science; Chicago Area Public Affairs Group, President, Board of Directors; U.S. Chamber of Commerce, Public Affairs Committee; Alpha Delta Pi; Chicago Women in Government Relations; Alpha Sigma Phi Parents Club, Secretary-Treasurer; Northwest Property Owners Association, Board of Directors; Fairview PTA; Niles East High School PTSA.

10. Political affiliation and activities.—Niles Township Regular Republican Organization, Board of Directors; Senator Percy Advisory Committee; Porter for Congress Committee; Young for Con-

gress Committee; Nimrod for Congress Committee; Rumsfeld for Congress Committee; Thompson for Governor Committee; Percy-Rumsfeld-Ogilvy Committee; Skokie Elephants Club, Vice President; Ogilvy for Governor Committee; Elliott for Republican Committeeman; Skokie Caucus Party; Vice President, Chairman, Political Action Committee, Board of Directors, Co-campaign Manager.

Attended Democratic National Convention, 1968 and 1972; Attended Republican National Convention, 1968, 1972 and 1976; Attended in connection with my work, not as a delegate.

Trustee, Skokie Mass Transit District; Member, Skokie Blood Commission.

11. Honors and awards.—Award for Excellence in Serving Corporate Public Affairs, National Association of Manufacturers, 1979; Award, Skokie Blood Commission, 1981.

12. Published writings.—"Invest Those PAC Dollars!", Political Action Report, March 15, 1980; "Some Thoughts About the Bread PAC Case", Political Action Report, March 30, 1980; "Question: Is This a Winning Campaign?" The PAC Manager, May 12, 1980; "The Wisconsin Experiment: A Cure Worse Than the Disease" Political Action Report, May 30, 1980; "Tax Deductibility of Contributions to PACs", Political Action Report, June 30, 1980; "Inequitable Campaign Laws Foster Mediocrity", Political Action Report, June 15, 1980; "Voting: Who Does and Doesn't, and Why", Political Action Report, August 16, 1980; "You Can't Judge PACs by the Numbers Alone", Association Management, October, 1980; "Political Action Committees—Precincts of the 80's" Arizona Law Review, Volume 22, Number 2. 1980.

13. Speeches.—For the past 20 years I have given 30 to 60 speeches a year at meetings sponsored by associations, corporations, political parties and others on such subjects as campaign management, political action committee management, fundraising, public affairs topics, FECA compliance, volunteer activities and independent expenditures. I have frequently been on television and radio discussing public affairs topics. I have lectured on the Federal Election Campaign Act and on political committees at Georgetown University School of Law, Gonzaga University School of Law, Lewis College, and American University.

14. Qualifications.—I am thoroughly conversant with the Federal Election Campaign Act and the regulations promulgated by the Federal Election Commission. I review and file all FEC Advisory Opinion Requests, Advisory Opinions, Annual Reports, news releases, and sunshine notices. I also purchase and review all special reports issued by the Commission.

I have testified before the Federal Election Commission and the House Administration Committee on aspects of the law and regulations.

I have prepared reports that have been filed under the Federal Corrupt Practices Act and the Federal Election Campaign Act, as Amended, since 1962

I have excellent administrative and organizational skills.

I can express myself clearly and accurately.

I have advised others on how to comply with both the spirit and the letter of the law and its regulations.

B. Future employment relationships

Question 1. Will you sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate?

Answer. Yes.

Question 2. Do you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

Answer. No.

Question 3. Has anybody made a commitment to employ your services in any capacity after you leave government service?

Answer. No.

Question 4. If confirmed, will you serve your full term of office?

Answer. Yes.

Question 5. If confirmed, will you be engaged in any business, vocation, employment, or outside activities other than related to your duties?

Answer. No.

C. Potential conflicts of interest

Question 1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers.

Answer. Anticipated receipts monthly for life from irrevocable vested pension plan. (American Medical Association).

Question 2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

Answer. None.

Question 3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 (ten) years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

Answer. None.

Question 4. Describe any activity during the past 10 (ten) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation, or affecting the administration and execution of law or public policy.

Answer. On July 12, 1977, I presented the Statement of the American Medical Political Action Committee on Federal Financing of Congressional Campaigns to the Committee on House Administration. On June 7, 1976, I appeared before the Federal Election Commission to present AMPAC's statement on currently pending regulation changes.

Question 5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

Answer. I would take whatever immediate and appropriate steps were necessary to resolve the conflict under the laws and regulations existing at the time. I would recuse myself from decisions where there

was a direct conflict or the appearance of conflict based on the facts of the particular case.

D. Testifying before Congress

Question 1. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Answer. Yes.

Question 2. Are you willing to provide such information as is requested by such committees?

Answer. Yes.

OUTLINE OF BIOGRAPHICAL INFORMATION OF DANNY LEE M'DONALD

Danny Lee McDonald was born in Tulsa, Oklahoma. He received a B.A. degree from Oklahoma State University and a certificate from Harvard for having participated in the Kennedy School of Government Seminar for Senior Executives.

In 1970 Mr. McDonald was a Democratic candidate for the Oklahoma House. Over the past ten years Mr. McDonald has held state and county offices in Oklahoma. He was Chief Clerk and then Secretary of the Tulsa County Election Board and more recently the Administrator of the Oklahoma Corporation Commission.

As an election official, he served on Advisory Panels selected by the FEC's National Clearinghouse on Election Administration to provide assistance and direction for activities involving state and local election administrators.

OUTLINE OF INFORMATION REQUESTED OF NOMINEE BY THE COMMITTEE

A. Biographical

1. Name.—Danny Lee McDonald.

2. Address.—3250 Grace Street, N.W., Washington, D.C. 20007 (temporary).

3. Date and Place of birth.—August 26, 1946, Tulsa, Oklahoma.

4. Marital Status.—Single.

5. Names and ages of children.—None.

6. Education.—Sand Springs Jr. High, 1958–1961; Charles Page High, 1961–1964—High School Diploma; Oklahoma State University, 1964–1968; Oklahoma State University, Summer 1971—B.A.; Harvard University, Summer 1981—Certificate.

7. Employment record.—Counselor for Bennett Hall and Desk Clerk, Oklahoma State University, Stillwater, Oklahoma, September 1965–May 1966; Summer intern, Creek County Welfare Department, Sapulpa, Oklahoma, Summer 1966; Counselor for Hanner Hall, Oklahoma State University, Stillwater, Oklahoma, September 1966–May 1967; Desk Clerk, Parker Hall, Oklahoma State University, Stillwater, Oklahoma, Summer 1967; Private First Class, National Guard, Ft. Polk, Louisiana, Fall 1968–March 1969; Staff Aide, Gubernatorial Campaign, Tulsa, Oklahoma, April 1969–January 1970; Candidate, Oklahoma House, Sand Springs, Oklahoma, February 1970–September 1970; Clerk, Tulsa County Election Board, Tulsa, Oklahoma, October 1970–December 1971; Chief Page, Oklahoma State Senate,

Oklahoma City, Oklahoma, January 1971–July 1971; Clerk, Tulsa County Courthouse, Tulsa, Oklahoma, August 1971–December 1971; Chief Clerk, Tulsa County Courthouse, Tulsa, Oklahoma, January 1972–December 1972; Chief Clerk for Elections, Tulsa County Election Board, Tulsa, Oklahoma, June 1973–July 1974; Salesman, Dennis Hall Realtors, Tulsa, Oklahoma, June 1974–December 1978; Evening Instructor, Tulsa Junior College, Tulsa Oklahoma, Fall 1978–June 1979; Secretary, Tulsa County Election Board, Tulsa, Oklahoma, July 1974–July 1979; Administrator, Oklahoma Corporation Commission, July 1979; December 1981.

8. Government experience.—See answer to question 7.

9. Membership.—Oklahoma State Alumni Association; International Association of Clerks, Recorders, Election Board Officials and Treasurers; Oklahoma State Posse Club; Tulsa Drillers Fan Club; Downtown Optimist Club.

10. Political affiliation and activities.—Registered Democrat; Ran for State Legislature, 1970.

11. Honors and awards.—"County Achievement of the Year Award"; Selected to participate in the Kennedy School of Government Seminar for Senior Executives.

12. Published writings.—"Media Package for Regional Workshops"—Advisory Panel, Federal Election Commission; "Revenue Sharing"—Advisory Panel, Federal Election Commission; Manual for the Election Board, Tulsa, Oklahoma.

13. Speeches.—Assorted speeches involving Election Day preparation to civil and educational groups.

14. Qualifications.—Secretary of the Tulsa County Election Board, July 1974–July 1979; Served on the Clearinghouse Advisory Panel of the Federal Election Commission, January 1978–January 1980; Administrator of two county agencies and one state agency. State—390 employees with a budget of $12 million.

B. Future employment relationships

Question 1. Will you sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate?

Answer. Yes.

Question 2. Do you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

Answer. No.

Question 3. Has anybody made a commitment to employ your services in any capacity after you leave government service?

Answer. No.

Question 4. If confirmed, will you serve your full term of office?

Answer. Yes.

Question 5. If confirmed, will you be engaged in any business, vocation, employment, or outside activities other than related to your duties?

Answer. No.

C. Potential conflicts of interest

Question 1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers.

Answer. None.

Question 2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

Answer. None.

Question 3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 (ten) years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

Answer. None.

Question 4. Describe any activity during the past 10 (ten) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation, or affecting the administration and execution of law or public policy.

Answer. Corporation Commission Budget.

Question 5. Explain how you will resolve any potential conflict of interest, including any that may be discovered by your responses to the above items. (Please provide a copy of any trust or other agreements.)

Answer. Non applicable.

D. Testifying before Congress

Question 1. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Answer. Yes.

Question 2. Are you willing to provide such information as is requested by such committees?

Answer. Yes.

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